

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**ROBERT POTTER,
et, al.,
Plaintiffs,**

v.

**JANUS INVESTMENT FUND,
et al.,
Defendants.**

**Nos. 06-CV-0929-DRH
06-CV-0997-DRH**

ORDER

HERNDON, District Judge:

Pending before the Court is a motion to consolidate filed in 06-CV-0997-DRH (Doc. 3). Said motion is **GRANTED**. These “actions” are actually the same case removed twice from state court. Thus, they should be consolidated. All future filings shall bear case number 06-0929-DRH. Further, the Court **DENIES as moot** the pending motion to dismiss filed in 06-CV-0997-DRH (Doc. 7) as that same motion was also filed in 06-CV-0929-DRH (Doc. 7).

IT IS SO ORDERED.

Signed this 20th day of December, 2006.

/s/ **David RHerndon**
United States District Judge